



Elementary Secondary Education Committee

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09600SB1718ham002

LRB096 11129 NHT 25773 a

1 AMENDMENT TO SENATE BILL 1718

2 AMENDMENT NO. _____. Amend Senate Bill 1718, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 10-22.6 as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, and no action shall lie against them for such
12 expulsion. Expulsion shall take place only after the parents
13 have been requested to appear at a meeting of the board, or
14 with a hearing officer appointed by it, to discuss their
15 child's behavior. Such request shall be made by registered or
16 certified mail and shall state the time, place and purpose of

1 the meeting. The board, or a hearing officer appointed by it,
2 at such meeting shall state the reasons for dismissal and the
3 date on which the expulsion is to become effective. If a
4 hearing officer is appointed by the board he shall report to
5 the board a written summary of the evidence heard at the
6 meeting and the board may take such action thereon as it finds
7 appropriate.

8 (b) To suspend or by regulation to authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend pupils
11 guilty of gross disobedience or misconduct, or to suspend
12 pupils guilty of gross disobedience or misconduct on the school
13 bus from riding the school bus, and no action shall lie against
14 them for such suspension. The board may by regulation authorize
15 the superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend pupils
17 guilty of such acts for a period not to exceed 10 school days.
18 If a pupil is suspended due to gross disobedience or misconduct
19 on a school bus, the board may suspend the pupil in excess of
20 10 school days for safety reasons. Any suspension shall be
21 reported immediately to the parents or guardian of such pupil
22 along with a full statement of the reasons for such suspension
23 and a notice of their right to a review, a copy of which shall
24 be given to the school board. Upon request of the parents or
25 guardian the school board or a hearing officer appointed by it
26 shall review such action of the superintendent or principal,

1 assistant principal, or dean of students. At such review the
2 parents or guardian of the pupil may appear and discuss the
3 suspension with the board or its hearing officer. If a hearing
4 officer is appointed by the board he shall report to the board
5 a written summary of the evidence heard at the meeting. After
6 its hearing or upon receipt of the written report of its
7 hearing officer, the board may take such action as it finds
8 appropriate.

9 (c) The Department of Human Services shall be invited to
10 send a representative to consult with the board at such meeting
11 whenever there is evidence that mental illness may be the cause
12 for expulsion or suspension.

13 (d) The board may expel a student for a definite period of
14 time not to exceed 2 calendar years, as determined on a case by
15 case basis. A student who is determined to have brought one of
16 the following objects to school, any school-sponsored activity
17 or event, or any activity or event that bears a reasonable
18 relationship to school shall be expelled for a period of not
19 less than one year:

20 (1) A firearm. For the purposes of this Section,
21 "firearm" means any gun, rifle, shotgun, weapon as defined
22 by Section 921 of Title 18 of the United States Code,
23 firearm as defined in Section 1.1 of the Firearm Owners
24 Identification Card Act, or firearm as defined in Section
25 24-1 of the Criminal Code of 1961. The expulsion period
26 under this subdivision (1) may be modified by the

1 superintendent, and the superintendent's determination may
2 be modified by the board on a case-by-case basis.

3 (2) A knife, brass knuckles or other knuckle weapon
4 regardless of its composition, a billy club, or any other
5 object if used or attempted to be used to cause bodily
6 harm, including "look alike" of any firearm as defined in
7 subdivision (1) of this subsection (d). The expulsion
8 requirement under this subdivision (2) may be modified by
9 the superintendent, and the superintendent's determination
10 may be modified by the board on a case-by-case basis.

11 ~~weapon to school, any school-sponsored activity or event,~~
12 ~~or any activity or event which bears a reasonable~~
13 ~~relationship to school shall be expelled for a period of~~
14 ~~not less than one year, except that the expulsion period~~
15 ~~may be modified by the superintendent, and the~~
16 ~~superintendent's determination may be modified by the~~
17 ~~board on a case by case basis. For the purpose of this~~
18 ~~Section, the term "weapon" means (1) possession, use,~~
19 ~~control, or transfer of any gun, rifle, shotgun, weapon as~~
20 ~~defined by Section 921 of Title 18, United States Code,~~
21 ~~firearm as defined in Section 1.1 of the Firearm Owners~~
22 ~~Identification Act, or use of a weapon as defined in~~
23 ~~Section 24-1 of the Criminal Code, (2) any other object if~~
24 ~~used or attempted to be used to cause bodily harm,~~
25 ~~including but not limited to, knives, brass knuckles, or~~
26 ~~billy clubs, or (3) "look alike" of any weapon as defined~~

1 ~~in this Section.~~

2 Expulsion or suspension shall be construed in a manner
3 consistent with the Federal Individuals with Disabilities
4 Education Act. A student who is subject to suspension or
5 expulsion as provided in this Section may be eligible for a
6 transfer to an alternative school program in accordance with
7 Article 13A of the School Code. The provisions of this
8 subsection (d) apply in all school districts, including special
9 charter districts and districts organized under Article 34.

10 (e) To maintain order and security in the schools, school
11 authorities may inspect and search places and areas such as
12 lockers, desks, parking lots, and other school property and
13 equipment owned or controlled by the school, as well as
14 personal effects left in those places and areas by students,
15 without notice to or the consent of the student, and without a
16 search warrant. As a matter of public policy, the General
17 Assembly finds that students have no reasonable expectation of
18 privacy in these places and areas or in their personal effects
19 left in these places and areas. School authorities may request
20 the assistance of law enforcement officials for the purpose of
21 conducting inspections and searches of lockers, desks, parking
22 lots, and other school property and equipment owned or
23 controlled by the school for illegal drugs, weapons, or other
24 illegal or dangerous substances or materials, including
25 searches conducted through the use of specially trained dogs.
26 If a search conducted in accordance with this Section produces

1 evidence that the student has violated or is violating either
2 the law, local ordinance, or the school's policies or rules,
3 such evidence may be seized by school authorities, and
4 disciplinary action may be taken. School authorities may also
5 turn over such evidence to law enforcement authorities. The
6 provisions of this subsection (e) apply in all school
7 districts, including special charter districts and districts
8 organized under Article 34.

9 (f) Suspension or expulsion may include suspension or
10 expulsion from school and all school activities and a
11 prohibition from being present on school grounds.

12 (g) A school district may adopt a policy providing that if
13 a student is suspended or expelled for any reason from any
14 public or private school in this or any other state, the
15 student must complete the entire term of the suspension or
16 expulsion before being admitted into the school district. This
17 policy may allow placement of the student in an alternative
18 school program established under Article 13A of this Code, if
19 available, for the remainder of the suspension or expulsion.
20 This subsection (g) applies to all school districts, including
21 special charter districts and districts organized under
22 Article 34 of this Code.

23 (Source: P.A. 92-64, eff. 7-12-01.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."